

**§ 2425. Use of interstate facilities to transmit information about a minor**

Whoever, using the mail or any facility or means of interstate or foreign commerce, or within the special maritime and territorial jurisdiction of the United States, knowingly initiates the transmission of the name, address, telephone number, social security number, or electronic mail address of another individual, knowing that such other individual has not attained the age of 16 years, with the intent to entice, encourage, offer, or solicit any person to engage in any sexual activity for which any person can be charged with a criminal offense, or attempts to do so, shall be fined under this title, imprisoned not more than 5 years, or both.

(Added Pub. L. 105-314, title I, §101(a), Oct. 30, 1998, 112 Stat. 2975.)

**§ 2426. Repeat offenders**

(a) **MAXIMUM TERM OF IMPRISONMENT.**—The maximum term of imprisonment for a violation of this chapter after a prior sex offense conviction shall be twice the term of imprisonment otherwise provided by this chapter.

(b) **DEFINITIONS.**—In this section—

(1) the term “prior sex offense conviction” means a conviction for an offense—

(A) under this chapter, chapter 109A, or chapter 110; or

(B) under State law for an offense consisting of conduct that would have been an offense under a chapter referred to in paragraph (1) if the conduct had occurred within the special maritime and territorial jurisdiction of the United States; and

(2) the term “State” means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

(Added Pub. L. 105-314, title I, §104(a), Oct. 30, 1998, 112 Stat. 2976.)

**SECTION REFERRED TO IN OTHER SECTIONS**

This section is referred to in section 2247 of this title.

**§ 2427. Inclusion of offenses relating to child pornography in definition of sexual activity for which any person can be charged with a criminal offense**

In this chapter, the term “sexual activity for which any person can be charged with a criminal offense” includes the production of child pornography, as defined in section 2256(8).

(Added Pub. L. 105-314, title I, §105(a), Oct. 30, 1998, 112 Stat. 2977.)

**CHAPTER 118—WAR CRIMES**

Sec.  
2441. War crimes.

**AMENDMENTS**

1996—Pub. L. 104-294, title VI, §605(p)(2), Oct. 11, 1996, 110 Stat. 3510, redesignated item 2401 as 2441.

**§ 2441. War crimes**

(a) **OFFENSE.**—Whoever, whether inside or outside the United States, commits a war crime, in

any of the circumstances described in subsection (b), shall be fined under this title or imprisoned for life or any term of years, or both, and if death results to the victim, shall also be subject to the penalty of death.

(b) **CIRCUMSTANCES.**—The circumstances referred to in subsection (a) are that the person committing such war crime or the victim of such war crime is a member of the Armed Forces of the United States or a national of the United States (as defined in section 101 of the Immigration and Nationality Act).

(c) **DEFINITION.**—As used in this section the term “war crime” means any conduct—

(1) defined as a grave breach in any of the international conventions signed at Geneva 12 August 1949, or any protocol to such convention to which the United States is a party;

(2) prohibited by Article 23, 25, 27, or 28 of the Annex to the Hague Convention IV, Respecting the Laws and Customs of War on Land, signed 18 October 1907;

(3) which constitutes a violation of common Article 3 of the international conventions signed at Geneva, 12 August 1949, or any protocol to such convention to which the United States is a party and which deals with non-international armed conflict; or

(4) of a person who, in relation to an armed conflict and contrary to the provisions of the Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices as amended at Geneva on 3 May 1996 (Protocol II as amended on 3 May 1996), when the United States is a party to such Protocol, willfully kills or causes serious injury to civilians.

(Added Pub. L. 104-192, §2(a), Aug. 21, 1996, 110 Stat. 2104, §2401; renumbered §2441, Pub. L. 104-294, title VI, §605(p)(1), Oct. 11, 1996, 110 Stat. 3510; amended Pub. L. 105-118, title V, §583, Nov. 26, 1997, 111 Stat. 2436.)

**REFERENCES IN TEXT**

Section 101 of the Immigration and Nationality Act, referred to in subsec. (b), is classified to section 1101 of Title 8, Aliens and Nationality.

**AMENDMENTS**

1997—Pub. L. 105-118 which directed amendment of section 2401 of this title by substituting “war crime” for “grave breach of the Geneva Conventions” in subsec. (a) and for “breach” in two places in subsec. (b) and by amending subsec. (c) generally, was executed by amending this section to reflect the probable intent of Congress and the amendment by Pub. L. 104-294. Prior to amendment, subsec. (c) read as follows:

“(c) **DEFINITIONS.**—As used in this section, the term ‘grave breach of the Geneva Conventions’ means conduct defined as a grave breach in any of the international conventions relating to the laws of warfare signed at Geneva 12 August 1949 or any protocol to any such convention, to which the United States is a party.”

1996—Pub. L. 104-294 renumbered section 2401 of this title as this section.

**SHORT TITLE**

Section 1 of Pub. L. 104-192 provided that: “This Act [enacting this chapter] may be cited as the ‘War Crimes Act of 1996’.”

# **CHAPTER 119—WIRE AND ELECTRONIC COMMUNICATIONS INTERCEPTION AND INTERCEPTION OF ORAL COMMUNICATIONS**

Sec.	Definitions.
2510.	Interception and disclosure of wire, oral, or electronic communications prohibited.
2511.	Manufacture, distribution, possession, and advertising of wire, oral, or electronic communication intercepting devices prohibited.
2512.	Confiscation of wire, oral, or electronic communication intercepting devices.
2513.	[2514. Repealed.]
2514.	Prohibition of use as evidence of intercepted wire or oral communications.
2515.	Authorization for interception of wire, oral, or electronic communications.
2516.	Authorization for disclosure and use of intercepted wire, oral, or electronic communications.
2517.	Procedure for interception of wire, oral, or electronic communications.
2518.	Reports concerning intercepted wire, oral, or electronic communications.
2519.	Recovery of civil damages authorized.
2520.	Injunction against illegal interception.
2521.	Enforcement of the Communications Assistance for Law Enforcement Act.
2522.	

## **AMENDMENTS**

1994—Pub. L. 103-414, title II, §201(b)(3), Oct. 25, 1994, 108 Stat. 4290, added item 2522.

1988—Pub. L. 100-690, title VII, §7035, Nov. 18, 1988, 102 Stat. 4398, substituted “wire, oral, or electronic” for “wire or oral” in items 2511, 2512, 2513, 2516, 2517, 2518, and 2519.

1986—Pub. L. 99-508, title I, §§101(c)(2), 110(b), Oct. 21, 1986, 100 Stat. 1851, 1859, inserted “AND ELECTRONIC COMMUNICATIONS” in chapter heading and added item 2521.

1970—Pub. L. 91-452, title II, §227(b), Oct. 15, 1970, 84 Stat. 930, struck out item 2514 “Immunity of witnesses”, which section was repealed four years following the sixtieth day after Oct. 15, 1970.

1968—Pub. L. 90-351, title III, §802, June 19, 1968, 82 Stat. 212, added chapter 119 and items 2510 to 2520.

## **CHAPTER REFERRED TO IN OTHER SECTIONS**

This chapter is referred to in sections 1029, 2232 of this title; title 47 sections 605, 1008; title 50 section 1805.

## **§ 2510. Definitions**

As used in this chapter—

(1) “wire communication” means any aural transfer made in whole or in part through the use of facilities for the transmission of communications by the aid of wire, cable, or other like connection between the point of origin and the point of reception (including the use of such connection in a switching station) furnished or operated by any person engaged in providing or operating such facilities for the transmission of interstate or foreign communications or communications affecting interstate or foreign commerce and such term includes any electronic storage of such communication;

(2) “oral communication” means any oral communication uttered by a person exhibiting an expectation that such communication is not subject to interception under circumstances justifying such expectation, but such term does not include any electronic communication;

(3) “State” means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States;

(4) “intercept” means the aural or other acquisition of the contents of any wire, electronic, or oral communication through the use of any electronic, mechanical, or other device.

(5) “electronic, mechanical, or other device” means any device or apparatus which can be used to intercept a wire, oral, or electronic communication other than—

(a) any telephone or telegraph instrument, equipment or facility, or any component thereof, (i) furnished to the subscriber or user by a provider of wire or electronic communication service in the ordinary course of its business and being used by the subscriber or user in the ordinary course of its business or furnished by such subscriber or user for connection to the facilities of such service and used in the ordinary course of its business; or (ii) being used by a provider of wire or electronic communication service in the ordinary course of its business, or by an investigative or law enforcement officer in the ordinary course of his duties;

(b) a hearing aid or similar device being used to correct subnormal hearing to not better than normal;

(6) “person” means any employee, or agent of the United States or any State or political subdivision thereof, and any individual, partnership, association, joint stock company, trust, or corporation;

(7) “Investigative or law enforcement officer” means any officer of the United States or of a State or political subdivision thereof, who is empowered by law to conduct investigations of or to make arrests for offenses enumerated in this chapter, and any attorney authorized by law to prosecute or participate in the prosecution of such offenses;

(8) “contents”, when used with respect to any wire, oral, or electronic communication, includes any information concerning the substance, purport, or meaning of that communication;

(9) “Judge of competent jurisdiction” means—

(a) a judge of a United States district court or a United States court of appeals; and

(b) a judge of any court of general criminal jurisdiction of a State who is authorized by a statute of that State to enter orders authorizing interceptions of wire, oral, or electronic communications;

(10) “communication common carrier” shall have the same meaning which is given the term “common carrier” by section 153(h)<sup>1</sup> of title 47 of the United States Code;

(11) “aggrieved person” means a person who was a party to any intercepted wire, oral, or electronic communication or a person against whom the interception was directed;

(12) “electronic communication” means any transfer of signs, signals, writing, images,

<sup>1</sup> See References in Text note below.